S.B. CR.MISC.BAIL APPL.NO.7417/2007.

Sahid @ Mulla @ Kada
Vs.
State

Date of order : 6/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Harendra Singh Sinsinwar for the petitioner.
Shri B.K. Sharma PP for the State.

******

Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that allegation against the petitioner is that he was accompanying the accused when the incident in question had taken place whereas the main allegation is against co-accused Fateh Mohd. who is alleged to have opened fire resulting into fire arm injury sustained by Sukhlal. It is submitted that Nasru, Rameshwar and Fateh Mohd. were in the first lot of accused who climbed on the house top of the informant and informant immediately identified them with the help of torch and it is thereafter that the accused-petitioner had been named with other accused having been identified by the informant in the light of the

torch while fleeing from the scene of occurrence. Sukhlal is the only injured whose sole injury has been attributed to co-accused Fateh Mohd. On consideration of this very fact, the co-ordinate Bench of this Court extended benefit of bail to co-accused Nasru vide order dated 20/12/2006 in SB Cr.Misc.Bail Appl.No.7609/2006. Case of the petitioner is on better footing than that of Nasru. The petitioner was arrested in the second week of August, 2007 and since then, he is in jail. Investigation is almost complete and further detention of the petitioner is no longer required for any purpose of investigation. Trial of the case will take long.

Learned Public Prosecutor has opposed the bail application and has argued that in view of seriousness of allegations against the petitioner, he is not entitled to be enlarged on bail during trial.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Sahid alias Mulla alias Kada S/o Nasru shall be released on bail in F.I.R. No.173/2006 P.S. Sikri, District Bharatpur for offences under Sections 307 and 382 IPC subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

anil/-